

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ITHACA VENTURES k.s. and ITHACA DEVELOPMENT, LLC,	)	
	)	
	)	
Plaintiffs,	)	C.A. No. 13-824-GMS
	)	
v.	)	<b>JURY TRIAL DEMANDED</b>
	)	
NINTENDO OF AMERICA INC. and NINTENDO CO., LTD.,	)	
	)	
	)	
Defendants.	)	

**NINTENDO OF AMERICA INC.'S AND NINTENDO CO., LTD.'S  
MOTION FOR SANCTIONS PURSUANT TO FED. R. CIV. P. 11**

Defendants Nintendo of America Inc. and Nintendo Co., Ltd. (collectively “Nintendo”) respectfully move this Court for an Order sanctioning Plaintiffs and their attorneys, pursuant to Fed. R. Civ. P. 11. Nintendo submits that Plaintiffs’ patent infringement allegations are baseless. Plaintiffs and their counsel failed to conduct a proper pre-suit investigation as required by Fed. R. Civ. P. 11, therefore, sanctions, including but not limited to dismissal of Plaintiffs’ action and Nintendo’s costs and fees in bringing this motion are appropriate.

The grounds for this Motion are fully set forth in the accompanying Memorandum in Support, filed contemporaneously herewith. As noted by the date of this and related documents, all Rule 11 motion papers were originally served on Plaintiffs’ counsel on August 29, 2013.

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**CERTIFICATE OF SERVICE**

I, Richard L. Horwitz, hereby certify that on September 19, 2013, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I hereby certify that on September 19, 2013, the attached document was electronically mailed to the following person(s)

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